

## REMARKS

Claims 1, 3, and 7 have been amended. Claims 1-20 remain in the application.

Reexamination and reconsideration of the application, as amended, are requested.

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 3 has been amended to delete the term “may”, and to delete the “n” in formulae A and A'. No new matter is presented by this deletion since it is indeed immediately apparent to one skilled in the art that the presence of “n” in those formulae makes sense only if “n” is equal to 1 (see enclosed document on Xylok 210 and 225).

Claims 1, 5-7 and 12-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Iimuro. Claims 1 and 7 have been amended to overcome this rejection.

As regards the objection to claim under §102, the Examiner misinterprets the disclosure of Iimuro (U.S. 5,132,349). The preparation conditions of the polymeric composition of that reference differ from those of the polymeric composition of the invention in many aspects, in particular in that they use a catalyst for silanol condensation, namely an organotin compound (see column 5, lines 25-30 and claim 1). That catalyst is activated in the presence of water and catalyses the cross linking of silicone rubber by reaction with a cross linking agent for silanol condensation, which is a multifunctional polysiloxane (see column 5, lines 23-24 and column 6, lines 1-7).

An organotin catalyst in aqueous solution highly favors the reaction between the Si-OH groups compared to reactions between Si-OH groups and phenolic-OH groups. Indeed, as shown by R. West et al. 1959, J. Am. Chem. Soc. 81 pp. 6145-6148 (copy of which is enclosed) the Si-OH group is a stronger acid than the phenolic-OH group and the Si-OH group is a stronger base than the phenolic-OH group. In the presence of an organotin catalyst, the stronger acid, i.e. Si-OH predominantly reacts with the stronger base, i.e. Si-OH. Furthermore the multifunctional

polysiloxane which bears the Si-OH groups is a lot more mobile than the resin which bears the phenolic-OH groups. Reactions between Si-OH groups are thus highly favored. Under those conditions, there is no, or no statistically significant, bonding between the phenolic-OH groups and Si-OH groups.

The polymeric composition of claim 1 which specifies that the polymeric composition is prepared in the absence of an organotin catalyst, is therefore novel over Iimuro.

Claims 2-4, 8-11 and 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Iimuro in view of Kane.

The problem addressed by the invention is to provide a polymeric composition with superior heat resistance and improved wet conditions performance (see WO 99/40146, page 2, lines 3-4), and a preparation process thereof.

Starting from Iimuro, there is no hint in the prior art as to the solution of the invention, namely preparing the polymeric composition in the absence of an organotin catalyst under conditions where the bonding between the phenolic groups and the terminal silanol groups is substantially complete.

Kane (U.S. 5,736,619) discloses a phenolic siloxane composition prepared without using an epoxy resin or an epoxidised polysiloxane. That composition has improved impact resistance, flexural strength and thermal shock resistance. That reference does not address the above problem, nor provides any lead to its solution.

The polymeric composition of the invention unexpectedly shows improved wet conditions performance, which is interesting for use in brake pads (WO 99/40146 in particular page 6, lines 4-13 and page 9, lines 10-26).

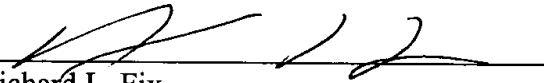
The invention is not obvious to the skilled person, and is believed to be patentable.

In view of the above it is believed that all remaining claims are now in condition for

allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,  
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